UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER
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ART UNIT	PAPER NUMBER
2154	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)
	10/600,281	JENSEN ET AL.
	Examiner	Art Unit
	Dustin Nguyen	2154

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 July 2007*.

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☐ All　b)☐ Some * c)☐ None of:

　　　1.☐ Certified copies of the priority documents have been received.

　　　2.☐ Certified copies of the priority documents have been received in Application No. _____.

　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
　　Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   Claims 1 – 20 are presented for examination.

Continued Examination Under 37 CFR 1.114

2.   A request for continued examination under 37 CFR 1.114, including the fee set forth in

37 CFR 1.17(e), was filed in this application after final rejection. Since this application is

eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e)

has been timely paid, the finality of the previous Office action has been withdrawn pursuant to

37 CFR 1.114. Applicant's submission filed on 09/04/2007 has been entered.

Response to Arguments

3.   Applicant's arguments filed 07/30/2007 have been fully considered but they are not

persuasive.

4.   As per remarks, Applicant's argued that (1) Mehta does not have the option of restricting

granularity of what services the client device wishes to discover and receive from the server.

5.   As to point (1), Mehta discloses a Personal Access List (PAL) wherein a subscriber's

PAL is the list of applications that the subscriber desires to have the MAS display on the

subscriber's device during application discovery [i.e. restricting granularity of what services the client device wishes to discover and receive] [paragraphs 0116, 0117, 0119 and 0120].

Claim Rejections - 35 USC § 112

6.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7.   Claims 1-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

    A.   The claim language in the following claims is not clearly explained:

        I.   As per claims 1, 9 and 17, the claimed limitation of "the client device is configured to restrict granularity of provisioning services requested from the provisioning server" should be part of the discover transactions since the restriction applies for the reply to a service discovery request [specification, page 16, lines 1-page 17, lines 24], not part of the delivery transaction as the claimed language as written and the Applicant's argument, pages 8 and 9. Therefore, the claimed language as written is being considered as indefinite for failing to point out and distinctly claim the subject matter.

Claim Rejections - 35 USC § 103

8.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

9.   Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mehta et al. [

US Patent Application No 2002/0131404], in view of Kloba et al. [US Patent No 6,341,316].

10.   As per claim 1, Mehta discloses the invention as claimed including a computer readable

medium in which a provisioning application is stored, the provisioning application including

program instructions which when read by a computer system, cause the computer system to

perform a method for provisioning services between a client and a provisioning server [i.e.

methods and systems for maintaining and provisioning wireless applications] [Figure 1;

Abstract; paragraphs 0005 and 0012], comprising the operations of:

        providing discovery transactions that allow the client device to retrieve information

regarding services available to the client device from a provisioning server [i.e. the MAS to

retrieve a list of available applications that can be downloaded to the subscriber's device, this is

referred to application discovery] [Figure 4; and paragraphs 0006, 0067 and 0070], wherein a

service comprises a plurality of content files capable of being installed on the client device [i.e.

installation or uninstallation of applications on the wireless device] [paragraphs 0063 and 0064

];

affording subscription transactions that allow the client device to manage content in

service directories [i.e. a Personalization Website, which is used by subscribers to order, ... and

to manage applications] [paragraphs 0091, 0115 and 0116], wherein a service directory

comprises a plurality of services [paragraphs 0091, 0131]; and

the client device is configured to restrict granularity of provisioning services requested

from the provisioning server [i.e. the list of applications that the subscriber desires to have

during application discovery] [paragraphs 0116, 0117, 0119 and 0120].

Mehta does not specifically disclose

providing delivery transactions that allow the client device to download data related to

services based on synchronization of the client device with the provisioning server, wherein the

synchronization ensures that view of delivered services on the client is in synchronization with

the view of the delivered services on the provisioning server.

Kloba discloses

providing delivery transactions that allow the client device to download data related to

services based on synchronization of the client device with the provisioning server [i.e. the web

synchronization module controls synchronization of web content to client] [Figures 1I1 and

1I2; col 9, lines 1-14; and col 14, lines 46-53], wherein the synchronization ensures that view

of delivered services on the client is in synchronization with the view of the delivered services

on the provisioning server [i.e. data on the client and server are the same] [col 5, lines 29-40;

and col 19, lines 33-col 20, lines 3].

It would have been obvious to a person skill in the art at the time the invention was made

to combine the teaching of Mehta and Kloba because the teaching of Kloba on synchronization

would enable applications available via a network or via an Internet/intranet to download and to

run on mobile devices and manage the variables relevant to a mobile device/server environment

[Kloba, col 4, lines 45-52].

11.   As per claim 2, Mehta discloses wherein the discovery transactions includes a service

discovery transaction that allows the client device to obtain information regarding a particular

service [i.e. application discovery returns a list of content that can be downloaded that match

criteria] [Figure 4; and paragraphs 0006 and 0067].

12.   As per claim 3, Mehta discloses wherein the discovery transactions include a service

directory discovery transaction that allows the client device to obtain information regarding a

particular service directory [i.e. A subscriber's Personal Access List is the list of applications

that the subscriber desires to have the MAS display during application discovery] [paragraphs

0016, 0019 and 0020].

13.   As per claim 4, Mehta discloses wherein the subscription transactions include a service

subscription transaction that allows a service to be added to a service directory [i.e. adding

applications] [Figures 11E-H; paragraphs 0116 and 0117].

14.   As per claim 5, Mehta discloses wherein the subscription transactions include an

unsubscribe transaction that allows a service to be removed from a service directory [i.e.

removing applications] [Figure 11J; and paragraphs 0116 and 0118].

15.   As per claim 6, Mehta discloses wherein the delivery transactions include an update

transaction that allows that allows the client device to obtain a provisioning update comprising a

list of services that should be installed on the client device [i.e. a list of new applications that

can be potentially downloaded] [paragraph 0063].

16.   As per claim 7, Mehta discloses wherein the delivery transactions include a notification

transaction that allows the provisioning server to request the client device to perform an update

transaction [i.e. a notification that an updated version is available] [paragraphs 0063 and 0110

].

17.   As per claim 8, Mehta discloses wherein the delivery transactions include a delivery

transaction that allows the client device to download data related to a service [i.e. send the

packaged application to the requesting subscriber device] [310, Figure 3; and paragraphs 0070

and 0131].

18.   As per claims 9-16, they are method claimed of claims 1-8, they are rejected for similar

reasons as stated above in claims 1-8.

19.   As per claims 17-20, they are apparatus claimed of claims 1-8, they are rejected for

similar reasons as stated above in claims 1-8.

20.   A shortened statutory period for response to this action is set to expire **3 (three) months and 0 (zero) days** from the mail date of this letter. Failure to respond within the period for response will result in **ABANDONMENT** of the application (see 35 U.S.C 133, M.P.E.P 710.02, 710.02(b)).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dustin Nguyen whose telephone number is (571) 272-3971. The examiner can normally be reached on flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn can be reached at (571) 272-1915. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dustin Nguyen

Examiner

Art Unit 2154